

OFFICIAL INFORMATIONCONFIDENTIAL **EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: April 9, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 020-19 FOR 4/21/20 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Southeast	5/20/19	11:02 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Hawkins, W./PO III	31 years, 2 months
Lucero, R./PO I	7 months

<u>Total Involved Officer(s)</u>

1 x PO III
1 x PO I

<u>Suspect(s)</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Norvell Cooper: Black Male, 29 years of age.
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COP Recommendations

Tactics – Administrative Disapproval, Officer Hawkins. Tactical Debrief, Officer Lucero.

Drawing/Exhibiting – In Policy, No Further Action, Officer Hawkins and Officer Lucero.

Lethal Use of Force – In Policy, No Further Action, Officer Hawkins and Officer Lucero.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis: Uniformed officers assigned to Southeast Patrol Division conducted a traffic stop on a vehicle. During the stop, one of the officers observed a handgun in the vehicle. As the driver exited his vehicle, both officers believed he was armed with the handgun and shooting at them resulting in an Officer-Involved Shooting (OIS).

Annotated Force Investigation Division (FID) Incident Summary¹

On Monday, May 20, 2019, Police Officer III Windle Hawkins, Serial No. 25889, driver, and Police Officer I Rudy Lucero, Serial No. 43804, passenger, were assigned 18A41W3. Officers were equipped with Body-Worn Video (BWV) cameras and each had their camera mounted to their upper torso. The officers were driving a marked black and white, sport utility vehicle (SUV), Shop No. 80673, which was equipped with ballistic door panels and a Digital In-Car Video System (DICVS)² (Investigators' Note No. 1).

This was Officer Lucero's second week out of the police academy and his fifth shift assigned with Officer Hawkins. According to the officers, at the start of their shift they discussed tactics, pedestrian stops, vehicle stops, Lucero's responsibilities as the cover officer and Hawkins responsibilities as the contact officer.

At 22:58:47 hours, Officer Hawkins was driving south on South Broadway, just north of 108th Street, when both officers observed a black SUV, turning south onto South Broadway from 108th Street. The vehicle failed to stop for a solid red phase tri-light traffic signal, in violation of 21453(a) of the California Vehicle Code (VC). Officer Lucero attempted to use the Mobile Digital Computer (MDC) to run the license plate; however, the vehicle had a State of California temporary license plate and he was unable to retrieve any information regarding the vehicle's registered owner.³ The driver was subsequently identified as Norvell Cooper and his female passenger was identified as

¹ The Incident Summary presented here is reproduced from FID's report regarding this case and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Officer Hawkins, 31 years, two months with the Department, six feet tall, 240 pounds, equipped with a ballistic vest, a side handle baton (PR24) a Glock-Model 21, .45 caliber semiautomatic pistol, Oleoresin Capsicum (OC) spray. Officer Hawkins' Hobble Restraint Device (HRD) was in his locker and his X26 TASER was in the police vehicle. Officer Lucero, seven months with the Department, six feet tall, 200 pounds, equipped with a ballistic vest, a Smith and Wesson-Model M&P, 9mm caliber semiautomatic pistol, OC spray, an asp baton, an X26 TASER. Officer Lucero's HRD and his PR24 baton were in the police vehicle.

³ 2007 BMW X3 SUV, License No. 8LVJ901, VIN No. WBXPC93487WF13308. Registered Owner: Jada Mitchell

Jada Mitchell.⁴ According to Mitchell, Cooper made the right turn onto South Broadway and stated, “Oh, the police.” Mitchell turned and observed the police vehicle but stated she did not see emergency lights activated.⁵

Cooper negotiated a right turn onto 109th Street and another right turn into a north-south alley west of South Broadway. At 22:59:19 hours, the black SUV pulled into the rear parking lot of 10819 South Broadway and parked. Officer Hawkins did not activate his lights or sirens as he stopped his police vehicle at the entrance of the parking lot directly behind Cooper’s vehicle. According to Officer Hawkins, his intention with his vehicle positioning was to primarily keep the vehicle from reversing, but also to stay in the alley way so his police vehicle would be visible if assistance was needed. Neither officer broadcast their Code-Six location.

Note: According to Officer Lucero, he believed the emergency lights and siren were activated and believed Officer Hawkins had broadcast their Code-Six location.

According to Officer Hawkins he believed he activated his high beam function to alert Cooper’s vehicle.

According to Officer Hawkins, based on Cooper’s driving tactics, negotiating two quick turns, driving into the alley and then into the parking lot of the apartment complex, he believed the passengers of the SUV were going to exit the vehicle and run from the officers. Hawkins directed his partner to quickly exit the police vehicle and activate his BWV by saying “camera.” He (Hawkins) also activated his BWV and the police vehicle’s DICVS as he exited.

At approximately 22:59:41 hours, Officer Hawkins approached the SUV on the driver’s side while Officer Lucero approached the passenger’s side. Both the driver’s and passenger’s front windows were down. Hawkins began his dialogue with Cooper regarding the reason for the traffic stop and noticed Cooper had his identification already in his hand. At the same time, Officer Lucero was positioned near the front passenger door and used his flashlight to illuminate the inside of the SUV.

According to Officer Lucero, he observed what he believed to be a grip of a pistol in the pocket of the driver’s side door.⁶ Lucero directed Cooper to straighten out his left leg so he (Lucero) could get a better view of the object and positively identify it. As captured

⁴ Norvell Cooper was a male Black, five feet, 11 inches tall and he weighed 195 pounds. Jada Mitchell was a female Black, five feet, nine inches tall and she weighed 160 pounds.

⁵ According to Mitchell, she met Cooper through social media and this was the second time they had “hung out.” Mitchell, who knew Cooper by the name of “Benjamin,” advised she picked him up at his home at approximately 20:00 hours. According to Mitchell, she and Cooper had been driving around smoking marijuana and drinking alcohol.

⁶ Officer Lucero’s statement, Page 6, Lines 21-25.

on BWV, Cooper became agitated with the request, turned toward Officer Lucero and stated, “Uh What? Excuse me sir, can you please get out of my car sir?”

At 23:02:10 hours, Officer Lucero, as captured on his BWV, stated, “Hey partner, I think we got a gun in the car.” Both officers immediately unholstered their pistols. According to Officer Hawkins, he unholstered his pistol with his right hand and, due to the limited space between the suspect’s vehicle and the wall, held it in a close contact position with his trigger finger along the frame.⁷ Officer Lucero, who was still on the passenger side of the suspect’s vehicle, unholstered his pistol with his right hand, held it with his trigger finger along the frame and held his flashlight in his left hand.⁸

As captured on Officer Hawkins’ BWV, Suspect Cooper turned on the SUV, put the vehicle in reverse and started to back up. He turned to Officer Hawkins and stated, “Don’t shoot me sir.” Officer Hawkins replied, “I will shoot you.” Cooper stopped the SUV and appeared to reach down with his right hand to shift the car into park. Hawkins pointed his handgun at Cooper and stated, “Don’t reach man.” Cooper replied by saying, “I ain’t got no gun.” Hawkins responded by saying, “If you ain’t got no gun, you got nothing to worry about.” According to Officer Hawkins, his partner did not specify where the gun was, but he formed the opinion that while Cooper was seated in the car the gun was under his left leg.⁹

At 23:02:29 hours, Officer Hawkins Broadcast, “A41 requesting a back-up, 108 and Broadway, in the north-south alley, west of Broadway.”

Meanwhile, Officer Lucero’s BWV captured Suspect Cooper as he sat in the vehicle with his hands up and stating, “I don’t have no gun. I’m getting out of the car.” Officer Lucero, who was standing at the passenger door with his flashlight illuminating the interior of the SUV and holding his pistol at a low ready, told Cooper to stay in the car. Cooper reached with his left hand to the inside door handle and opened the door as he held his right hand in the air. Officer Hawkins communicated to his partner that Cooper was getting out of the car.

Note: According to Officer Lucero, Cooper opened the driver’s side door by reaching through the open window with his left hand and opening the door from the outside.

⁷ Officer Hawkins transitioned his flashlight from his right hand before unholstering his pistol.

⁸According to Officer Lucero, he unholstered his pistol because he believed the tactical situation could escalate to a point where deadly force may be justified. According to Officer Hawkins, he unholstered his pistol as he believed Cooper had a gun under his left leg. He formed that opinion based on the comments from Lucero and Cooper’s reaction to those comments.

⁹ Officer Hawkins’ statement, Page 35, Lines 14-23. According to Officer Hawkins, when Cooper reached for the ignition he may have placed his finger on the trigger of his pistol ready to engage had Cooper reached for his weapon. Once Officer Hawkins realized Cooper was not arming himself, he de-escalated with his weapon and continued to verbalize.

As Suspect Cooper opened the door, Officer Hawkins moved toward the rear of the SUV. At that time, Officer Lucero was still illuminating the inside of the SUV and, according to Officer Lucero, as Cooper quickly opened the door and exited the vehicle he reached down with his left hand in the direction of where the gun was located in the door pocket. According to Officer Lucero, when Cooper exited the vehicle, he (Lucero) no longer saw the butt of the gun in the door pocket and yelled, “*Partner, gun.*”¹⁰

OIG Note No. 1: Officer Lucero can be heard on his BWV stating, “*Partner we got a gun!*” at this point during the incident.¹¹

The following is an account of Suspect Cooper’s actions that resulted in the officers discharging their weapons. This account was gleaned from an analysis of the officers’ BWV and statements regarding their perception of the events as the incident unfolded.

According to Officer Hawkins, as Suspect Cooper exited the vehicle he (Hawkins) grabbed Cooper’s left wrist with his left hand as he (Hawkins) held his pistol in his right hand in a close contact position near his right hip. Officer Hawkins looked down into the suspect’s SUV and saw what he described as a blue steel, medium sized, semiautomatic pistol on the driver’s seat. He felt Cooper tense up and attempt to pull away from him as he (Cooper) reached down toward the pistol on the seat. According to Officer Hawkins, the pistol was no longer visible on the seat and he believed he observed the butt of the gun in Cooper’s right hand as he (Cooper) was turning his body to the left toward him (Hawkins).

Note: Neither officers’ BWV cameras captured a pistol resting on the driver’s seat.

Officer Hawkins believed Cooper was turning the pistol toward him with the intention of shooting him. He released Cooper’s left wrist and pushed him away as he (Hawkins) stepped back to create space between he and Cooper. Officer Hawkins held his pistol in his right hand and fired two quick rounds at Cooper from an approximate distance of three feet.¹²

*“...I made the decision to separate and prepare to engage, because he -- I had no doubt that he was turning his weapon to engage me.” “...the feeling was if I didn’t react to his movements to protect myself that I was going to be shot.”*¹³

¹⁰ Officer Lucero’s transcribed statement, Page 23, Lines 9-25, and Page 24, Lines 1-2.

¹¹ Officer Lucero’s BWV at the 06:08:04Z (05.21.19) time stamp.

¹² This occurred at 23:02:41 hours.

¹³ Officer Hawkins transcribed statement, Page 55, Lines 14-16, 21 and 22.

Officer Hawkins then assessed and observed Suspect Cooper moving east around his open door. Officer Hawkins' BWV depicted Cooper running east along the north walkway of the apartment building. According to Officer Hawkins, he believed Cooper still held the pistol in his right hand as he (Cooper) was turning his body and the pistol toward him. Officer Hawkins believed Cooper was preparing to shoot him and fired a third round from what he believed was an approximate distance of eight feet.¹⁴

However, an analysis of Officer Hawkins' BWV determined Cooper was approximately 21 feet away at the time of the third shot. Officer Hawkins believed Cooper had been struck by the gunfire; however, Cooper continued running in an easterly direction toward the front of the apartment building and Broadway.

*"And as he maneuvered around the open door he turned towards me again with the gun in his hand or which I believed – I can't – he turned towards me with the hand that I saw the gun in and believing he was still coming up to shoot again I fired another round."*¹⁵

According to Officer Lucero, Suspect Cooper exited the vehicle and confronted Officer Hawkins on the driver's side. He heard Officer Hawkins state, "*turn around*" followed by one gunshot.¹⁶ Lucero believed Cooper was armed with the pistol and had shot his partner (Hawkins). Cooper immediately ran in an easterly direction toward Broadway as several additional shots were fired

According to Officer Lucero, he was standing on the passenger side of the SUV, near the front tire as Suspect Cooper ran east holding the pistol in his left hand. He further described Cooper holding his left arm bent at the elbow with his forearm across his body and parallel to the ground. According to Lucero, Cooper turned his body to the right; thereby, pointing the pistol in his direction. Fearing Cooper was preparing to shoot him, he fired three consecutive rounds at Cooper.¹⁷ The rounds were fired in a northeasterly direction from an increasing distance of 14 to 18 feet and in a time span of seven-tenths of a second.

"I make eye contact and, you know, it seemed that he (Cooper) was pointing – pointing the gun like as he's running, he turns to his right, facing me and then when he does that

¹⁴ Hawkins fired the third round from a standing, two handed shooting position.

¹⁵ Officer Hawkins transcribed statement, Page 43, Lines 5-9.

¹⁶ Hawkins stating, "*turn around*" was not captured on either of the BWVs.

¹⁷ According to Lucero he utilized the Harries Flashlight Technique as he fired his three rounds. However, his BWV depicted him firing from a one-handed shooting position.

identify what I believe was a gun and then I fired three shots.”¹⁸ “I was scared. I was really, really scared, sir. I thought he was going to kill me. I – I was terrified.”¹⁹

OIG Note No. 2: When asked by FID investigators to describe what he saw in Cooper’s hand as Cooper ran from the vehicle, Officer Lucero stated, “I can’t. It’s -- I know it was a -- it was like a out -- like a figurine of a -- like a -- of a -- of a gun, sir, but it was -- it was dark and it happened so quick.”²⁰

OIG Note No. 3: Officers Hawkins and Lucero’s BWV footage does not appear to corroborate the officers’ stated observations that Cooper was holding a firearm after he exited the vehicle.

According to Witness Mitchell, the gun was not hers and she was not aware Suspect Cooper had the gun in the car. According to Mitchell, after Cooper ran, she could see the black handle of the gun in the driver’s door panel.²¹

Immediately following the shots being fired, Officer Hawkins walked east toward Broadway to monitor Suspect Cooper’s route of travel. Simultaneously, Officer Lucero walked around the front of the suspect’s SUV, opened the driver’s side door and removed the pistol from the interior door pocket. He secured the pistol in his right, rear pants pocket and joined Hawkins at the front of the property.

OIG Note No. 4: When asked by FID investigators why he went to the door to retrieve the gun, Officer Lucero stated, “Just double checking, sir, assessing to see if -- if the gun was there or if he had dropped it, sir. The gun like if the gun was still in -- in the -- where I had seen it.”²²

At 23:02:52 hours, CD broadcast, “Any unit in the vicinity, 18A41 is requesting a back-up, air-unit and supervisor, 108th and Broadway, north-south alley west of Broadway.” At 23:03:03 hours, Officer Hawkins broadcast, “Got an armed suspect, he’s running on Broadway from 109th Street, He’s a male Black, he’s wearing a red shirt. I got shots fired.”

OIG Note No. 5: At 23:04:18 hours, Officer Hawkins’s BWV captures Officer Lucero informing him, “Partner I got the gun.”

¹⁸ Officer Lucero’s statement, Page 25, Lines 21-25.

¹⁹ Officer Lucero’s statement, Page 41, Lines 6-11.

²⁰ Officer Lucero’s statement, Page 26, Lines 7-12.

²¹ Jada Mitchell’s statement, Page 11, Lines 21-25 and Page 12, Lines 1-14.

²² Officer Lucero’s statement, Page 31, Lines 1-4.

OIG Note No. 6: At 23:04:44 hours, Officer Hawkins broadcast, “Adam 41 be advised that the item [weapon] is in custody.”

Officers Hawkins and Lucero returned to the scene of the OIS and Witness Mitchell was still seated in the front passenger seat of the SUV. Officer Lucero handcuffed Mitchell without incident and secured her in the back of their police vehicle.

Patrol units began responding to the area of 108th Street and Broadway as a perimeter was established south of the location where the OIS occurred.

Sergeant I Gabriel Ruiz, Serial No. 37408, 18L80W3, responded to the help call from Southeast station. At 23:07 hours, Sergeant Ruiz was the first patrol supervisor at scene as he broadcast he was Code-Six and declared himself the Incident Commander (IC). Sergeant Ruiz located both involved officers in the rear alley and confirmed they had been involved in an OIS. Sergeant Ruiz directed Officer Lucero to turn off his BWV and took custody of the camera prior to taking his Public Safety Statement (PSS).

OIG Note No. 7: During the PSS of Officer Lucero, Sergeant Ruiz wrote down the responses to his questions. Sergeant Ruiz later provided these written responses to FID. Regarding the question of whether there were any weapons or evidence that needed to be secured or protected, Sergeant Ruiz documented Officer Lucero’s response as follows: “Recovered weapon from driver side door of susp veh and secured in pants pocket. Relieved custody of gun to Det. Chin.”

Sergeant I Arnold Castellanos, Serial No. 40202, 18L50W3, responded to the scene and was assigned by Sergeant Ruiz to monitor Officer Hawkins. Sergeant Castellanos took possession of Hawkins’ BWV camera and obtained his PSS.

OIG Note No. 8: According to Sergeant Castellanos, he recorded the following questions and answers from Officer Hawkins as part of the PSS: “Are there any outstanding suspects?” ‘No.’ And then I also asked him, ‘What weapons were they armed with?’ And he advised small semi-auto blue steel. ‘Are there any’ -- and then this is the last question. ‘Are there any weapons or evidence that need to be secured or protected? Where are they located?’ He [Hawkins] said, ‘yes’ and the recovered weapon was his answer.”²³

Police Officer III Noel Sanchez, Serial No. 36346, driver, and Police Officer I Bernhard Placek, Serial No. 43812, passenger, 18A49W3, and Police Officer III Jorge Martinez, Serial No. 37400, driver, and Police Officer I Gabriel Tudor, Serial No. 43785, passenger, 12A3W3, had responded to the help call and were positioned on the perimeter. Officers Sanchez and Placek were positioned on the west side of the intersection at Broadway and 109th Street. Officers Martinez and Tudor were driving

²³ Castellanos, Page 8, Line 23-Page 9, Line 4.

south on Broadway from 109th Street, when they observed Cooper on the west side of Broadway near 109th Street.

Suspect Cooper, who had run south on Broadway to 109th Street, ultimately climbed a fence into the rear yard of a residence on the south side of 109th Street, west of Broadway. He made his way through the yard and exited the front pedestrian gate onto the west sidewalk of Broadway. Upon exiting the gate, he was spotted by officers near the intersection of 109th Street and Broadway.

Upon seeing Suspect Cooper, Officer Sanchez yelled for him to "Stop!" As this was occurring, Officers Martinez and Tudor exited their police vehicle. Suspect Cooper ignored the officers and ran east across Broadway as the officers gave chase. As Cooper approached the east sidewalk, Officer Placek unholstered his pistol, held it in a low-ready position and ordered Cooper to stop and put his hands up. Officer Placek stood in the street and utilized a parked vehicle as cover as Cooper stopped and laid on the ground in a prone position. Officer Sanchez approached Cooper's left side, grabbed his left hand and completed the handcuffing process with the assistance of Officer Tudor.²⁴

Police Officers II Thomas Montague, Serial No.42005, driver, and Cody Ramekers, Serial No. 42009, passenger, 12X42W3, responded to the help call. At 23:09:57 hours, Officer Montague broadcast, "*12X42, were Code-Six taking the suspect into custody. We'll be at 110th and Broadway. Can I get an RA [Rescue Ambulance] for the suspect? It's going to be a male, approximately 40 years of age, conscious and breathing, with multiple gunshot wounds.*"

Police Officer II Siriboto Rareba, Serial No. 42247, 18A97W3, arrived after Suspect Cooper had been taken into custody and observed Cooper face down on the ground, handcuffed and surrounded by officers. Officer Rareba noticed Cooper was bleeding. He (Rareba) donned protective gloves and assisted Cooper with sitting up. After sitting up, Officer Sanchez' BWV depicted Cooper saying, "*I got shot by the police for running. I had a gun on me. I know I had a gun on me.*" Officer Sanchez then asked Cooper if he had a gun on him, to which he replied, "*They got the gun. They shot me for no reason. I left the gun in the car*" (Addendum No. 1 and Investigators' Note No. 2). At approximately 23:15 hours, Los Angeles Fire Department (LAFD) RA No. 64 arrived at scene and transported Suspect Cooper to Harbor-UCLA Medical Center. Officer Sanchez rode in the ambulance with Cooper.

At approximately 23:20 hours, Sergeant Castellanos transported Officer Hawkins to Suspect Cooper's location for a field show-up. Cooper was positively identified by Officer Hawkins.

Detective II Adrian Chin, Serial No. 32250, Southeast Area, donned protective gloves and physically recovered Suspect Cooper's pistol from Officer Lucero's right, rear pants

²⁴ Officer Tudor's BWV depicts an unknown male officer stepping in to search Cooper shortly after being handcuffed by Officer Sanchez.

pocket. The pistol was subsequently placed in a large manila envelope and secured in the trunk of Detective Chin's vehicle, Shop No. 12121. Detective Chin described the suspect's pistol as being blue steel, semiautomatic with a magazine inserted. Detective Chin did not manipulate or render Cooper's pistol safe after taking possession. Detective Chin identified ballistic evidence at the OIS scene, blood evidence where Cooper attempted to conceal himself prior to his arrest and additional evidence where Suspect Cooper was subsequently taken into custody. Detective Chin then tasked officers to secure those crime scenes.

Force Investigation Division Detective II Dante Palacio, Serial No. 32208, reviewed all documents and circumstances surrounding the separation, monitoring and the admonition not to discuss the incident to officers prior to being interviewed by FID investigators. All protocols were followed and properly documented (Addendum No. 2 and Addendum No. 3).

Scene Description

The OIS occurred in the rear parking lot of an apartment complex located at 10819 South Broadway in the City of Los Angeles. The apartment complex is situated on the west side of South Broadway, with access to the rear parking lot from a north-south alley, which runs parallel to South Broadway. The city block where the apartment complex is situated is bordered by South Broadway to the east, 109th Street to the south, 108th Street to the north and Olive Street to the west. The length of the parking lot is 26 feet and the width of the parking lot is 38 feet. The parking lot is secured to the west by a black wrought iron gate that measures six feet, nine inches high and runs the entire width of the property. There are cinder block walls that measure four feet, ten inches high on both the north and south ends of parking lot. These walls separate the parking lot from neighboring properties. A two-story, multi-unit apartment complex is situated to the east of the parking lot and in the center of the property. A cement walkway runs along the north wall of the property and allows the residents access to the rear parking and the front sidewalk on South Broadway. The neighborhood consists of a mix of multi-unit apartment complexes and single-family residences.

The OIS occurred during the hours of darkness, at approximately 23:00 hours. There was no artificial lighting on the property and the nearest light pole was approximately 176 feet north of the location. The only lighting in the immediate area was provided by the involved officers' flashlights. The climactic conditions were dry with clear skies and the temperature was approximately 56 degrees.

Canvass for Witnesses

Shortly after the OIS and in the early morning hours on May 21, 2018, personnel from Force Investigation Division (FID) and Southeast Area canvassed the area of 10819 South Broadway for witnesses to the OIS. On Wednesday, May 22, 2019, investigators from FID conducted an additional canvass for witnesses to the OIS. Unless otherwise

noted, statements of all witnesses were recorded, transcribed and are contained in this report.

Detectives completed one civilian interview and 11 "Heard Only" forms. According to witnesses, the number of rounds fired ranged between three and six. Investigating Officer (IO) contact cards were left at the residences where there was no answer. As of this report, no additional witnesses have contacted the IO (Investigator's Note No. 3).

Suspect Information



Norvell Melvin Cooper is a male African American with black hair and brown eyes. At the time of the incident, he was five feet, 11 inches tall, weighed approximately 195 pounds and had a date of birth of October 30, 1989. Cooper was a resident of the State of California, with an address of 10819 South Broadway, Apartment No. 4, Los Angeles, CA. Cooper's State of California Driver's License, No. D8599736, was valid and his Criminal Identification and Information (CII) No. A38174585 showed 11 felony arrests, which resulted in three felony convictions for 273.5 (A) PC - Domestic Violence with Injury, and two felony convictions for 11352 (A) H&S - Possession of a Controlled Substance for the Purpose of Sales. At the time of the incident, Cooper was on Summary Probation for 2800.1 (A) PC - Evading a Police Officer.

On May 22, 2019, Detective II Dante Palacio, Serial No. 32208, FID, contacted Police Officer II Steven Trevino, Serial No. 38774, Mental Evaluation Unit (MEU), who queried Department records for MEU contacts with Cooper. None were located.

On May 23, 2019, Detective II Joseph Kirby, Serial No. 36857, FID Criminal Apprehension Team (CAT), presented a criminal complaint to Los Angeles County Deputy District Attorney Karen Murcia, who filed one count of 2900(a)(1) PC - Convicted Felon in Possession of a Firearm (Addendum No. 4).

Injuries

At 23:11:52 hours, LAFD RA No. 64, staffed by Firefighter/Paramedics (FF/PM) John Famon and Raymond Covarrubias, received the alarm to respond to 245 West 110th Street

At approximately 23:14:52 hours, RA No. 64 arrived at scene. Cooper was transported to Harbor-UCLA Medical Center, where he was treated for gunshot wounds to his left chest nipple, right scrotum, penile head, left arm, bilateral calves and left thigh. Cooper underwent multiple surgeries and was eventually discharged from the hospital on May 29, 2019 (Addendum No. 5).

Evidence

On May 21, 2019, at approximately 0400 hours, Criminalist III Steven Tsurumoto, Criminalist II Jacob Seror, Serial No. N4571, Serial No. N4574, and Criminalist I Tracy Ng, Serial No. N4952, Forensic Science Division/Firearms Analysis Unit (FSD/FAU), responded to 10819 South Broadway and conducted an examination of the OIS scene for ballistic impacts, trajectories, projectiles and biological samples (Addendum No. 6 and Addendum No. 7).

As a result of the investigation, numerous pieces of evidence were booked in conjunction with this incident under DR No. 1918-12580. Included in the evidence were; a Buccal Swab (Item No. 1), a GSR kit (Item No. 2), Unknown Caliber Discharged Cartridge Cases (DCC) (Item Nos. 3 through 5), Pistol (Item No. 6), California Driver's License No. D8599736 with the name "Fobi, Norvell" (Item No. 7), 9mm Magazine removed from Item No. 6 (Item No. 8), .45 Caliber DCC (Item Nos. 5, 9 and 10), 9mm DCC (Item No. 11), Fired Bullets and/or Fragments (Item Nos. 14 through 18), Live 9mm Bullets removed from Item No. 8 (Item Nos. 19 through 20), Cooper's Clothing (Item Nos. 21 through 27), Miscellaneous Items removed from the pockets of Item Nos. 21 through 27 (Item Nos. 28 through 30), Swabs of Blood Stains taken from the ground and a bottle showing Cooper's route of travel after the OIS (Item Nos. 31 through 35), Vehicle Registration for Suspect's Vehicle (Item No. 36), DCC and Live Ammunition from Officer Hawkins' pistol test-fire (Item Nos. 41 through 44), DCC and Live Ammunition from Officer Lucero's pistol test-fire (Item Nos. 45 through 48), DCC and live ammunition from the pistol test-fire of Item No. 6 (Item Nos. 49 through 50). There was a total of 50 items of evidence booked in conjunction with this investigation (Addendum No. 8).

Weapons



Suspect Cooper was in possession of a blue steel, Taurus, Model: PT111 Millennium G2, 9mm, Semiautomatic pistol. The pistol was loaded with one live round in the firing chamber and two live rounds in the seated magazine. The pistol was recovered by Officer Lucero immediately after the OIS from the driver's door-pocket of Cooper's vehicle. Officer Lucero was not wearing gloves when he took possession of Cooper's pistol.

On May 21, 2019, at approximately 07:00 hours, Detective II Robert McCarty, Serial No. 31125, FID CAT, obtained a Buccal Swab and Gun Shot Residue (GSR) sample from Cooper.

On July 26, 2019, Criminalist II Stacy Vanderschaaf, Serial No. N4220, FSD, concluded her analysis of the GSR kit. The results were inconclusive as to whether or not Cooper had been in the environment of a discharged firearm (Addendum No. 9).

A DNA swab sample was taken from Cooper's firearm, but analysis was not completed due to contamination caused by the multiple handlers of the weapon. Cooper's buccal swab and swabs taken from Cooper's pistol were booked at Property Division (Addendum No. 10).

On June 21, 2019, Forensic Print Specialist Maria Brion, Serial No. G8280, FSD, conducted an examination and analysis of Copper's handgun, magazine and the live rounds associated with them. No prints of value were located on any of the items (Addendum No. 11).

On July 9, 2019, Criminalist II Jacob Seror, Serial No. N4571, FSD, completed a report documenting the test firing of Cooper's pistol. The pistol was tested was found to be functional. The test fired cartridge was booked into property and its representative images were entered into the National Integrated Ballistic Information Network (NIBIN) database. As of this report, there has been no NIBIN hit notifications (Addendum No. 12).

On October 24, 2019, Detective Kirby identified and spoke to the registered owner of the weapon, Bradley Roachell of Tucson, Arizona. Roachell advised he traded the pistol at a gun show in October 2018. There are no records of the transaction.

Officer Hawkins was armed with a Department-authorized Glock-Model 21, .45 caliber, semiautomatic pistol. The pistol was carried in a Department-approved Safariland holster. According to Officer Hawkins, at the time of the OIS his pistol was loaded to capacity with 14 rounds of ACP Federal Premium, .45 caliber, 230 grain HST ammunition. Thirteen rounds were in the magazine and one round was in the firing chamber.

Detective III Peter Stone, Serial No. 27168, FID, conducted a post-incident examination of Officer Hawkins' pistol. He determined the firearm was loaded with one round in the firing chamber and 10 rounds in the magazine. Detective Stone also inspected the two magazines that Officer Hawkins carried in his magazine pouches. Both magazines contained 13 rounds of the same ammunition. Three expended cartridge cases collected at the OIS scene were later determined to have been fired from Officer Hawkins' pistol. This information is consistent with Officer Hawkins having fired a total of three rounds during the OIS.

On July 9, 2019, Criminalist II Brian Reinarz, Serial No. N5624, FSD, completed a report documenting the test firing of Officer Hawkins's pistol. The pistol was found to be functional and the trigger pull value for this pistol was within the Department's established range. Cartridge casing and bullet samples were obtained from the test-fire and booked as evidence (Addendum No. 13).

Officer Lucero was armed with a Department-authorized Smith and Wesson-M&P, .9mm, semiautomatic pistol. The pistol was carried in a Department-approved triple retention, Safariland holster. According to Officer Lucero, at the time of the OIS the pistol was loaded to capacity with 18 rounds of Winchester Ranger, .9 mm, 147 grain SXT ammunition. Seventeen rounds were in the magazine and one round was in the firing chamber of the pistol.

Detective Palacio conducted a post-incident examination of Officer Lucero's pistol. He determined the firearm was loaded with one round in the firing chamber and 14 rounds in the magazine. Detective Palacio also inspected the two magazines that Officer Lucero carried in his magazine pouches. Both magazines contained 17 rounds of the same ammunition. Three expended cartridge cases collected at the OIS scene were later determined to have been fired from Officer Lucero's pistol. This information was consistent with Officer Lucero having fired a total of three rounds during the OIS. On July 9, 2019, Criminalist Reinarz completed a report documenting the test firing of Officer Lucero's pistol. The pistol was found to be functional and the trigger pull value for this pistol was within the Department's established range. Cartridge casing and bullet samples were obtained from the test-fire and booked as evidence (Addendum No. 14).

Detective Palacio verified that Officers Hawkins and Lucero's pistols were entered into the Firearm Inventory Tracking System (FITS) on March 28, 2008 and December 5, 2018 respectively.

Firearms Analysis

The scene associated with this OIS investigation was examined by Criminalists Seror and Tsurumoto who identified four impacts identified as Impacts A-D.

Impact A was a non-penetrating impact located on the north cinder block wall of the parking lot. Pathway A, including the impact, is consistent with a bullet traveling from south to north, west to east and in a downward direction.

Impact B was a penetrating impact located on a wood post at the northwest corner of the building located at 10819 South Broadway. Impact B-1, was a non-penetrating impact located on a wood post at the northwest corner of the building located at 10819 South Broadway. Pathway B and B-1, including impacts B and B-1 are consistent with a bullet traveling from south to north, west to east and in a downward direction.

Impact C was a non-penetrating impact located on the west exterior wall of the building located at 10819 South Broadway. Pathway C, including impact C, is consistent with a bullet traveling from south to north, west to east, and in a downward direction.

Impact D was a non-penetrating impact located on the west exterior wall of 10819 South Broadway. Pathway D, including impact D, is consistent with a bullet travelling north to south, west to east and in a downward direction.

The impacts were photographed under D No. 0769474 (Addendum No. 15). Type and caliber analysis was performed on four fired bullets and one bullet fragment recovered from the OIS scene. Items 14 and 15, which were recovered from the ground behind the apartment building, exhibited characteristics consistent with being shot by Officer Hawkins'. Items 16, 17 and 18 exhibited general rifling characteristics consistent with being shot by Officer Lucero (Addendum No. 16).

Visual Documentation

Digital In-Car Video System (DICVS)

Units assigned to Southeast and 77th Street Patrol Divisions were equipped with DICVS. The primary unit's DICVS was activated during the traffic stop. Cooper's traffic violation was captured by the DICVS. There was no DICVS video footage of the OIS due to the angle of the police vehicle. However, the audio of the OIS and the aftermath was captured. The DICVS from the other responding units was analyzed and found to have no evidentiary value to this investigation.

Body Worn Video (BWV)

Officers assigned to Southeast and 77th Street Patrol Divisions were equipped with BWV. There were two BWV cameras that captured the OIS.

Officer Hawkins's BWV recorded one video with approximately 10 minutes of footage including the traffic stop and the OIS.

Officer Lucero's BWV recorded one video with approximately 10 minutes of footage including the traffic stop and the OIS.

Sergeant Ortiz' BWV recorded one video with approximately 27 minutes of footage. It captured his response to the "Help" call. Sergeant Ortiz first arrived where Cooper was taken into custody and then drove to the OIS location and established the Command Post (CP).

Sergeant Castellanos' BWV recorded one video with approximately 7 minutes of footage. It captured his response to the "Help" call and his locating the involved officers in the alley where the OIS occurred.

Sergeant Ruiz' BWV recorded one video with approximately 6 minutes of footage. It captured his response to the "Help" call, his locating the involved officers and his taking

possession of Officer Lucero's BWV camera. The video also depicted Detective Chin taking possession of Cooper's pistol from Officer Lucero's back pocket.

Officer Rareba BWV recorded 1 video with approximately 29 minutes of footage. It captured his response to the "Help" call. Also depicted is his arrival on scene and assisting Cooper with sitting up prior to RA arrival.

Officer Sanchez' BWV recorded one video with approximately 33 minutes of footage. It captured his response to the "Help" call, his setting up on the perimeter, the foot pursuit of, and the handcuffing of Cooper. Also depicted is Cooper's saying, "*They shot me for no reason. I left the gun in the car.*" Officer Sanchez' BWV also captured his ride in the RA with Cooper to Harbor-UCLA Medical Center.

Officer Placek's BWV recorded two videos with approximately 25 minutes of footage. It captured the response to the "Help" call, the setting up of the perimeter, the foot pursuit and his ordering the suspect onto the ground prior to arrest. Also depicted is Officer Placek following the RA to Harbor-UCLA hospital.

Officer Martinez' BWV recorded three videos with approximately 15 minutes of footage. It captured his Code-Three response to the "Help" call, Cooper's arrest and neighborhood canvass after the incident.

Officer Tudor's BWV recorded one video with approximately 12 minutes of footage. It captured his initial response to the "Help" call and his assisting with the arrest of Cooper.

Other Department Video

There was no additional Department video located that was related to this incident.

Outside Video

There were multiple outside videos located from three separate media outlets, KNBC, KTLA and KCBS. All video depicts the aftermath of the Cooper's arrest. Video views are from news helicopters and cameras on the ground, which depict Suspect Cooper seated on the sidewalk and then being wheeled into an ambulance. The investigators located an apartment surveillance video from 10962 South Broadway. The video depicts the Cooper running from the west side of South Broadway to the east sidewalk in front of 10962 South Broadway, where he is contacted by uniformed patrol officers and taken into custody without incident.

Social Media

A search of social media outlets by the FID Cyber Unit revealed no videos or postings related to this incident.

Photographs

Photographers III Francisco Govea, Serial No. N5606, Gary Raives, Serial No. V9103, and Photographer II Robert Stichal, Serial No. N1962, Technical Investigation Division (TID), photographically documented the scene and associated evidence. Photographs are stored under Control Nos. D0769474, D0769476, and D0769623.

Notifications

At approximately 23:33 hours, the Department Operations Center (DOC) was notified of the Categorical Use of Force. The details of the subsequent notifications are attached (Addendum No. 17).

Personnel at Scene

Sergeant II Carlos Figueroa, Serial No. 35260, FID, arrived on scene at approximately 00:45 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

Communications

Copies of the CD printouts relative to this incident, Incident No. 190520006486, are on file at FID. A digital recording of Southeast Base Frequency at the time of this incident and the compact disc recording of the 911 call is stored at FID. The digitally recorded interviews of the involved and percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II).

Justice System Integrity Division

This case meets the criteria for presentation to the County of Los Angeles District Attorney Office, Justice System Integrity Division (JSID), and will be presented shortly after completion of this administrative report.

Investigators' Notes

1. This investigation has revealed significant discrepancies in the time stamps of the recording devices utilized in this incident. The timestamp on Officer Hawkins' BWV and that accompanying the Communication Division's (CD) broadcast are the only two that match. The time stamp for the DICVS in the involved officers' vehicle, Shop No. 80673, is 11 seconds ahead of Officer Hawkins' BWV timestamp. Officer Lucero's BWV time is Five minutes and 21 seconds ahead of Officer Hawkins' BWV timestamp. For the purpose of continuity, unless specifically stated, the timestamp from Officer Hawkins' BWV will be referred to during this investigation. On November 27, 2019, the Detective Palacio contacted FID Video Technology Unit (VTU) Sergeant II Jason Ligouri, Serial No. 36091, who found the time discrepancy between Officers Lucero and Hawkins had to do with docking prior to their start of

watch (SOW). Officer Hawkins' camera was docked prior to their SOW and Officer Lucero's camera was not, therefore, Lucero's camera did not receive time synchronization from Evidence.com.

2. Police Officer I, Gabriel Tudor was involved in apprehending Cooper after the OIS. Officer Tudor was injured during the foot pursuit and was not interviewed the night of the OIS. Officer Tudor was terminated for reasons not related to this investigation and, as a result, was not interviewed.
3. A civilian witness, Bobby Evans, was identified during an interview with the Cooper's sister, Teresa Fobi. Several attempts were made by FID investigators to coordinate an interview, but Mr. Evans failed to cooperate and has not been interviewed.

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CHIEF OF POLICE REPORT²⁵

Chief of Police Findings

Tactics – Administrative Disapproval, Officer Hawkins. Tactical Debrief, Officer Lucero.

Drawing/Exhibiting – In Policy, No Further Action, Officer Hawkins and Officer Lucero.

Lethal Use of Force – In Policy, No Further Action, Officer Hawkins and Officer Lucero.

Chief of Police Analysis

Detention

Officers Hawkins and Lucero were dressed in full uniform and driving a marked black and white police SUV while conducting traffic enforcement in the area of South Broadway and 108th Street. They observed the BMW fail to stop at a red light in violation of CVC 21453(a) – failure to stop at a red light. The officers attempted to conduct a license plate query, prior to conducting the traffic stop for the aforementioned traffic violation, however, the BMW had paper plates affixed to the vehicle, so they were unable to do so. The BMW stopped in the rear parking lot of 10819 South Broadway and the officers conducted an investigation. During the encounter, Officer Lucero observed a firearm in the driver's side door pocket of the BMW. Officer Lucero communicated to Officer Hawkins that there was a firearm in the BMW. Cooper attempted to put the vehicle in reverse and flee as Officers Hawkins and Lucero drew their service pistols. Officer Hawkins broadcast a back-up request for a man with a firearm. As Cooper exited the driver's side door, an altercation occurred between Cooper and Officer Hawkins and an OIS involving both Officers Hawkins and Lucero subsequently took place. The officers' actions were legal, appropriate, and within Department standards.

Tactics

Department policy relative to Tactical Debriefs is: "*The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance*" (*Los Angeles Police Department Manual, Volume 3, Section 792.05*).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

²⁵ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication**

(*Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques*)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Hawkins and Lucero had worked together four times prior to this incident. Officer Lucero had been assigned for approximately two weeks to Southeast Patrol Division after completing his academy training. Officers Hawkins and Lucero discussed basic tactical concepts including the responsibilities of the contact officer, the cover officer, pedestrian stops, and vehicle stop tactics. During the vehicle stop, Officers Hawkins initiated contact with Cooper while Officer Lucero remained alert as the cover officer. The officers would have benefitted from a more specific plan to handle the two occupants inside of the BMW. Other than basic roles of contact and cover officer, no additional planning was discussed as Officers Hawkins and Lucero were entering the alley. Officer Hawkins directed incoming resources to locations for containment on a perimeter.

Assessment – Officers Hawkins' and Lucero's first assessment began when they observed the BMW make a right turn onto South Broadway without stopping at the marked limit line at a red tri-light, in violation of CVC 21453(a) - failure to stop at a red light. As the officers attempted to close the distance and conduct a license plate query prior to conducting a traffic stop, they observed that the BMW had paper plates and were unable to complete their query. The BMW made two rapid right turns and pulled into the rear parking area of 10819 South Broadway. Officer Hawkins assessment was that the occupants might flee into the residential building and directed Officer Lucero to get out of the police vehicle. Both officers continued to assess the incident as they engaged in their investigation of Cooper and Mitchell. As Officer Hawkins verified documentation provided by Cooper, Officer Lucero observed the "butt" of a firearm in the driver's side door pocket as he visually cleared

the inside of the BMW. Cooper later exited, was involved in an OIS with Officer Hawkins, and then fled from the location. Believing Cooper was still armed with a firearm when fleeing, Officer Hawkins was concerned with locating Cooper due to the danger to public safety. Officer Lucero heard a gunshot, and in his assessment, believed Officer Hawkins had been shot after having seen Cooper reaching in the vicinity of the door containing the firearm and prior to exiting the BMW. After Cooper fled on foot, Officer Lucero responded to the driver's side of the BMW to assess if the firearm had been dropped or remained in the BMW. Officer Lucero subsequently located and recovered a firearm inside of the BMW.

Responding Officers Placek and Sanchez located Cooper who was attempting to flee on foot from the vicinity. The officers assessed Cooper's actions and used appropriate tactics to take Cooper into custody without further incident.

Time – Upon making contact with the occupants in the BMW, Officer Hawkins took time to communicate with Cooper and Mitchell; however, as Cooper became agitated, the situation escalated. Cooper escalated the incident through his increasingly argumentative, agitated, and aggressive behavior by then placing the BMW into reverse and attempting to flee from the location, significantly reducing the time Officers Lucero and Hawkins had to react. Officer Hawkins requested additional resources to afford them more options. Cooper exited the BMW and faced Officer Hawkins as Officer Lucero warned Officer Hawkins that there was a firearm present. Believing Cooper was armed and posing a deadly threat, Officer Hawkins discharged his service pistol. Cooper escalated the incident quickly and without warning, reducing the officers' ability to respond and limiting Officer Hawkins and Lucero's tactical options. While Cooper initiated his exiting of the BMW which resulted in the reduction of time for Officers Hawkins and Lucero to react, it would have been preferable that the officers had taken greater control of Cooper, such as trying to keep him in the BMW, which may have allowed them more time to control the incident.

Redeployment and/or Containment – Officer Lucero communicated his observation of a firearm to Officer Hawkins and as they drew their service pistols, Cooper turned the BMW ignition on and began reversing the BMW. Cooper's moving of the BMW caused the officers to be positioned toward the front of the BMW. Officers Hawkins and Lucero could see Cooper's hands and Officer Hawkins made the decision not to re-deploy to a different position of cover because Officer Hawkins believed it would provide Cooper time to arm himself and place the officers at a tactical disadvantage. Cooper stopped the BMW, placed the vehicle into park and turned off the ignition, but proceeded to exit the BMW by opening the driver's side door. Officer Hawkins stepped away from Cooper to give Hawkins some space between himself and Cooper. As Cooper fled east of the location, Officer Hawkins attempted to keep a visual of Cooper and requested units for containment and a perimeter. In this case, the officers may have benefitted from re-deploying to a position of cover from the BMW and transitioning to High Risk Vehicle tactics, such

as redeploying behind the police vehicle's ballistic door panels, which would have afforded them additional distance as well as possible cover.

Other Resources – Officer Hawkins broadcast a request for a back-up after Officer Lucero identified that there was a firearm inside of the BMW and Cooper became uncooperative. This broadcast caused nearby units, a police air unit, and supervisors to respond to the location. After the OIS occurred, Officer Hawkins upgraded his request to a “help call,” causing neighboring divisions to respond, as well as a night watch detective to assist with the handling of evidence at the scene. Some of the additional officers who responded located Cooper and took him into custody. Medical treatment was requested for Cooper upon his arrest and LAFD responded to render immediate emergency medical aid.

Lines of Communication – Officers Hawkins and Lucero communicated their observations of the BMW's traffic violation to each other and their intention to stop the vehicle for the aforementioned violation. Neither Officer Lucero nor Hawkins broadcast their Code Six location to Communications Division (CD). Officer Hawkins clearly and calmly opened up a dialogue with Cooper, while Officer Lucero communicated his observation of the firearm in the BMW. Officer Hawkins warned Cooper to not back into the police vehicle, to turn off the BMW's ignition, and not to reach for anything. Officer Hawkins broadcast a request for a Back-up for an armed suspect and then upgraded his request to a “help call” after the OIS and Cooper had fled. Officer Hawkins broadcast Cooper's description, direction of travel, and that shots had been fired. Officer Hawkins directed incoming resources into areas for containment. Officer Lucero advised Officer Hawkins that he had recovered a firearm from the BMW. Officer Lucero directed Marshall to exit the BMW and handcuffed her. While Officers Hawkins and Lucero established lines of communication with both Cooper and Marshall, they would have benefitted from broadcasting their Code Six location to other personnel in the area.

The UOFRB determined, and the Chief concurred, that Officers Hawkins and Lucero attempted to de-escalate this incident involving Cooper through continuous verbalization during the incident; however, Cooper's agitated demeanor, attempt to flee in the BMW, and insistence in exiting the vehicle had rapidly escalated the situation for Officers Lucero and Hawkins. The officers' available time was reduced by the escalating and persistent threat Cooper presented to them.

- During a review of the incident, the following Debriefing topics noted:

Debriefing Point No. 1 Code Six (Substantial Deviation – Officer Hawkins, Substantial Deviation with justification – Officer Lucero)

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on “Code Six” status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on “Code Six” status may indicate to the dispatcher additional circumstances, which will make the unit unavailable for assignment to a priority call.

These circumstances may include.

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a back-up, assistance, or help location.*

Note: *The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Hawkins and Lucero did not advise CD of their Code Six location when they conducted a traffic stop on the BMW occupied by Cooper and Mitchell.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Traffic stops are inherently dangerous. The identity and actions of a person stopped are often unknown, and as in this case, their actions can be unpredictable.

The UOFRB discussed the importance of notifying CD of their Code Six location due to the lack of available vehicle information. Officer's Hawkins and Lucero had no license plate information with which to conduct a DMV query and did not know the BMW's status when the officers approached.

In this case, the officers had sufficient time to broadcast their Code Six location, as well as other relevant information, including the description of the BMW, prior to approaching the BMW and initiating contact. There was no initial exigency that would have prevented the officers from having sufficient time to notify CD of their Code Six location. The Chief would have preferred for Officer Lucero to have broadcast their Code Six location just prior to exiting the police vehicle or alternatively for Officer Hawkins to broadcast the Code Six location once they stopped their vehicle.

Based on the totality of the circumstances, the UOFRB determined and the Chief concurred that Officer Hawkins, despite having the time and opportunity to do so, and having had thorough knowledge of the terrain and area as a senior officer, failed to notify CD of their location or advise Officer Lucero to do so, resulting in a substantial deviation, without justification, from approved Department tactical training.

The UOFRB considered Officer Lucero's probationary status, two weeks in the field, his lack of knowledge of the area, having worked only four days with Officer

Hawkins, and that Officer Lucero was under the guidance and direction of a highly tenured training officer. Officer Lucero believed Officer Hawkins placed them Code Six, however, he did not confirm this with Officer Hawkins. The UOFRB determined, and the Chief concurred, that Officer Lucero's failure to notify CD of their location, was a substantial deviation, with justification, from approved Department tactical training.

The Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Tactical Vehicle Deployment (Substantial Deviation – Officer Hawkins)

Patrol officers must select a safe and tactical position for the placement of the patrol unit (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).

Officer Hawkins stopped the police vehicle facing in a northeast direction, perpendicular to and behind the BMW which was parked facing eastbound.

When conducting a vehicle stop, it is critical to properly position the police vehicle in order to provide officers a tactical advantage afforded by the vehicle itself and its equipment.

Officer Hawkins placed himself and his partner at a significant tactical disadvantage by positioning the police vehicle behind the BMW in a perpendicular formation. Additionally, Officer Hawkins did not activate any emergency lights, overhead lights, or spotlights. However, even if Officer Hawkins had done so, the positioning of the police vehicle would have limited the effectiveness of the police vehicle's illumination devices. Officer Hawkins indicated he was conducting a traffic stop, and in this case, neither Cooper nor Mitchell exited the BMW or made any initial movements that prevented Officer Hawkins from taking the time afforded to him to place the police vehicle in the most advantageous tactical position.

In this case, the Chief would have preferred that Officer Hawkins had placed his police vehicle in a more offset position and facing towards the rear of the BMW. Positioning the police vehicle more effectively, as well as activating the police vehicle's emergency lights, would have allowed the use of the police vehicle doors as cover. It would have also allowed the police vehicle's illumination devices to be utilized to their full capabilities, thus increasing the visibility inside of the BMW and assessment of potential hazards.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Hawkins positioning of his police vehicle was a substantial deviation, without justification, from approved Department tactical training. The Chief directed this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Vehicle Stop Tactics (Substantial Deviation – Officer Hawkins)

Conducting vehicle pullovers can be one of the most dangerous duties a peace officer performs. Violence related to vehicle pullovers is among the leading causes of peace officer injuries and deaths. Because of the frequency of vehicle pullovers, peace officers can come to regard such tasks as “routine.” Such complacency compromises officer safety by causing officers to ignore danger signs during vehicle pullovers. Peace officers should handle all vehicle pullovers with caution and always keep in mind that no vehicle pullover is “routine” (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).

When handed Cooper's identification and vehicle paperwork, Officer Hawkins began to immediately inspect the paperwork at the driver's side window rather than re-deploying to his police vehicle or another source of cover, increasing Officer Hawkins' physical vulnerability and dividing Officer Hawkins' attention.

Officer Hawkins placed himself at a tactical disadvantage by inspecting Cooper's identification and documentation while standing at the driver's side window. By standing and inspecting the documentation in that position, Officer Hawkins attention was alternately focused among Cooper, Mitchell, and the documents. This potentially exposed Officer Hawkins to the actions of either Cooper or Mitchell. Cooper was initially cooperative, which afforded Officer Hawkins time to return to his police vehicle and verify the information provided to him.

In this case, the Chief would have preferred Officer Hawkins take Cooper's documentation to the cover provided by the police vehicle in accordance with Department training and tactics. By doing so, Officer Hawkins would have increased his distance to the BMW and afforded himself some cover, allowing additional time to respond to any actions or threats presented by either Cooper or Mitchell.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Hawkins' vehicle stop tactics were a substantial deviation, without justification, from approved Department tactical training. The Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Initiating Physical Contact While Holding a Service Pistol** – The investigation revealed that Officer Hawkins had his service pistol drawn when Cooper exited the driver's side door. Officer Hawkins used his left hand to grasp Cooper's left hand. Officer Hawkins is reminded that initiating physical contact with a suspect, while holding a service pistol, may inhibit an officer's ability to utilize other force options or to de-escalate. There is also an increased risk the suspect could gain control of the service pistol. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Running Past an Unsearched/Occupied Vehicle** – The investigation revealed that Officers Hawkins and Lucero moved past the BMW while following Cooper in containment mode. The BMW had not been searched and Mitchell remained inside seated in the passenger seat. Officer Lucero did locate and secure the firearm he had initially observed in the driver's side pocket door; however, Mitchell was still left unattended and unsecured in the passenger seat of the vehicle. In response to Cooper fleeing and believing that Cooper remained armed, Officers Hawkins and Lucero followed Cooper to maintain visual contact. Officer Lucero and Hawkins are reminded of the dangers of leaving additional unsearched suspects inside of unsearched vehicles. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Separation** – When Officer Hawkins began following Cooper east on foot after the OIS and Officer Lucero moved around the front of the BMW and recovered the firearm from the driver's side door pocket, both Officers Hawkins and Lucero momentarily were out of line of sight of each other. As soon as Officer Lucero moved around to the front of the BMW, he was within line of sight of Officer Hawkins. During the UOFRB, it was presented by FID investigators that the officers were estimated to have been no more than 75 feet from each other. However, officers are reminded that separation can limit an officer's ability to effectively communicate or render immediate aid to one another. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Situational Awareness** – When Officers Hawkins and Lucero conducted the traffic stop, there was another vehicle, with the door ajar, parked to the right of the BMW with an occupant in the driver's seat. Officer Lucero approached the passenger side of the BMW and advised the driver of the adjacent vehicle to stay in her vehicle. A short time later, the driver of the adjacent vehicle advised Officer Lucero she would be exiting her vehicle at which time, Officer Lucero moved out of the way and allowed her to exit. Officer Lucero was in a confined space between the two vehicles and did not communicate to Officer Hawkins that there was a potential tactical issue presented by the driver in the adjacent vehicle. Additionally, Officer Lucero did not communicate to Officer Hawkins that the driver in the adjacent vehicle was exiting and would be coming around and from behind Officer Hawkins. Officers Lucero is reminded to be cognizant of his surroundings and to communicate possible tactical concerns to his partner, which is vital in the ability to react and respond to threats that may arise during a tactical encounter. The Chief directed that this be a topic of discussion during the Tactical Debrief.
- **Tactical Communication** – Neither Officer Hawkins nor Officer Lucero communicated or verified with each other whether they were Code Six. Additionally, once Officer Lucero advised his partner there was a firearm in the BMW, neither officer communicated to each other what the best course of action should be. Officer Lucero also did not advise Officer Hawkins of the location where he had observed the firearm inside of the BMW. Once the OIS occurred, Officer Hawkins proceeded to follow Cooper without communicating to Officer Lucero. Officers

Lucero and Hawkins are reminded that operational success is based on the ability of officers to effectively communicate during critical incidents. When faced with a tactical incident, overall safety is improved by an officer's ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The Chief directed that this be a topic of discussion during the Tactical Debrief.

- **Preservation of Evidence** – After the OIS, Officer Lucero moved to the driver's side door of the BMW, located the firearm in the driver's side door pocket, and secured it inside his right rear pants pocket. In this circumstance, Officer Lucero recovered Cooper's firearm while Officer Hawkins followed Cooper and while Mitchell was still being seated inside of the BMW. Officer Lucero made the decision to locate and secure the firearm and then follow his partner. In this case, the rapid escalation of the incident was a factor in the immediate securing of the firearm. However, to enhance future performance, officers are reminded that whenever tactically feasible, it is preferable to have an uninvolved officer guard evidence and leave it undisturbed until FID investigators can properly document and preserve the scene. If evidence must be moved, officers should don appropriate personal protective equipment, such as latex gloves, to minimize altering or contaminating the evidence. The Chief directed that that this be a topic of discussion during the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early consideration of the PATROL acronym will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, dated July 2018).

Sergeant Ruiz arrived at scene and declared himself the IC. He located and confirmed that Officers Hawkins and Lucero had been involved in an OIS and met with Detective Chin. Sergeant Ruiz directed Officer Lucero to turn off his BWV and took custody of the BWV device. He then obtained Officer Lucero's PSS and

monitored Officer Lucero. Sergeant Ruiz also designated Sergeant Castellanos as the supervisor responsible for the separation and monitoring of Officer Hawkins.

Sergeant Castellanos arrived at scene and took possession of Officer Hawkins' BWV prior to obtaining his PSS. While doing so, Cooper's emotional family members and associates begin to walk into the crime scene area. Sergeant Castellanos addressed them in an attempt to de-escalate the family and guided them out of the immediate area to prevent the destruction of any potential evidence. Additionally, Sergeant Castellanos temporarily interrupted his obtaining of Officer Hawkins' PSS to transport Officer Hawkins to where Cooper was taken into custody for a field show-up. An expedited field show-up was necessary due to Cooper being transported by RA for his gunshot wounds. Sergeant Castellanos completed the PSS after the field show-up.

Sergeant Ortiz responded to the location where Cooper was taken into custody, assessed the scene and current assigned roles, and then facilitated setting up the Command Post near the OIS and perimeter location, which provided for sufficient ingress and egress routes. Additionally, Sergeant Ortiz took over as the IC and assisted with providing information and notifications to Sergeant Cohen. Sergeant Ortiz directed responding personnel to verify inner and outer perimeter containment and location of assigned units.

Sergeant Cohen notified the Department Operations Center (DOC) of the Categorical Use of Force (CUOF) incident and made other appropriate notifications.

Detective Chin utilized protective gloves and physically recovered Cooper's firearm from Officer Lucero's right, rear pants pocket. The firearm was placed in a manila envelope and safely secured in the trunk of Detective Chin's police vehicle. Detective Chin identified ballistic and blood evidence at the location of the OIS and perimeter and directed officers to secure those crime scenes.

The actions of Sergeants Ruiz, Castellanos, and Ortiz, as well as Detective Chin, were consistent with Department supervisory training and my expectations of a field supervisor during a critical incident.

The actions of Sergeant Cohen were consistent with Department supervisory training and met my expectations of a watch commander during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, the actions and tactics utilized by Officer Hawkins substantially, and unjustifiably, deviated from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Additionally, in conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officer Lucero's failure to ensure he and Officer Hawkins were Code Six, was a substantial deviation, with justification, from Department Policy, due to Officer Lucero's minimal field time as a probationary police officer.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident. Although it was determined that Officers Sanchez and Placek would not receive formal findings, the Chief believed that in order to enhance future performance, they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety.

Therefore, the Chief directed that Officers Hawkins, Lucero, Sanchez, and Placek attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

- On May 31, 2019, Officers Hawkins and Lucero attended a GTU. All mandatory topics were covered, including the Force Option Simulator (FOS).

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: "*An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified*" (*Los Angeles Police Department Manual, Volume No. 1, Section 556.80*).

Officer Hawkins

According to Officer Hawkins, as he was conversing with Cooper, who provided Officer Hawkins with his identification and vehicle paperwork, Officer Hawkins heard his partner order Cooper to straighten his leg. Officer Hawkins then focused on

Cooper and Cooper's interaction with Officer Lucero. Officer Hawkins observed that Cooper had become defensive and talked back to Officer Lucero. As Cooper argued back and forth with Officer Lucero, Officer Lucero alerted Officer Hawkins to a firearm in Cooper's vehicle. Officer Hawkins believed Cooper had the firearm *under his left leg* based on Officer Lucero's interaction with Cooper.

According to the FID investigation, Officer Lucero's BWV captured him stating, "Hey partner, I think we got a gun in the car." Officers Hawkins immediately unholstered his service pistol.

Officer Hawkins recalled,

So, then my partner he -- he alerts. He says, "Gun. Hey, partner, he's got a gun in the car." So, at that time, you know, I -- I -- I position myself where I can cover the -- the driver so I take an angle and I draw my weapon.

And I give him order, hey, you know, "Don't move." You know, "Get your hands up." You know, "Don't move. Don't move." And, you know, he throws his hands up so I could see that his hands are free. And, you know, and I'm aware of where my partner said that he saw the gun, you know, from the movements whatever. I couldn't see a gun at that time but, you know, based on the information that I was receiving from my partner and the way this guy was action -- acting, I believed there was a gun under this guy's left leg.

Just, you know, the -- the standard three-point technique with the -- with the single-arm draw where, you know, I grasped my weapon, released the -- the -- the strap that secures my weapon and then I -- I -- I got it up to a low-ready position and brought it up to a cover position. But with -- with my single right arm because of my close contact the room I had I couldn't fully extend so I actually had to reposition myself towards the target being the driver officer where I can get my gun to a -- a -- a ready position to engage if immediate threat came to myself or my partner.

Officer Lucero

According to Officer Lucero, from the beginning of their traffic stop, Cooper was looking back and forth at Officer Lucero and Officer Hawkins and became very agitated and defensive as Officer Lucero looked inside the vehicle with his flashlight. Officer Lucero believed he observed the butt of a firearm in the driver's side door pocket and focused on that area of the vehicle. Officer Lucero asked Cooper to move his left leg so Officer Lucero could get a better viewing angle of the door. Cooper was uncooperative but did move his leg eventually, and by doing so, Cooper's leg hit the door, which pushed the firearm, allowing Officer Lucero to positively identify there was a firearm. Officer Lucero communicated to his partner and stated, "Partner, gun,"

According to the FID investigation, Officer Lucero's BWV captured him stating, "Hey partner, I think we got a gun in the car." Officers Lucero immediately unholstered his service pistol.

Officer Lucero recalled,

I was clearing the vehicle with my flashlight and then as that occurred I then on the driver's side door on, I guess, you could say has a pocket, the driver's side door pocket there was a -- what looked to be a -- a butt of a gun upside down.

I advised the driver to go ahead and straighten out his legs so I could get a better view of the -- the possible handgun. At that point the driver became a little agitated and nervous. I tried to deescalate the situation by telling the driver to remain calm. As the driver then straightened out his left leg I was able to identify the handgun. At that point, I advised my partner, my training officer that was just outside of the driver's side door that there was a gun. And then at that -- at that point I unholstered, gave commands to the driver. My partner -- my training officer Officer Hawkins also was providing questions to the driver. At that point, my training officer said, "Don't reach for the -- the gun."

When I identified the gun, I identified it to my partner. I said, "Partner, gun." As I said that both my partner I unholstered and we gave him verbal commands, "Don't touch the gun" and to step out of the vehicle.

Because the officer's decision to draw or exhibit a firearm should be based on the tactical situation to a point where an officer's decision may lead to a point where deadly force may be justified.

So, I went to my right hand. I'm a right-handed. I grabbed the butt of my gun and I pulled the lever down with my right thumb, pushed it down and then I also went with my right thumb unholstered my ALS which is another like a switch on my gun another safety so that way I could release my -- my weapon from my holster. As I did that, I had it at the low-ready position with the finger off the trigger and just told the driver to get out of the vehicle.

The UOFRB conducted a thorough review and evaluation of the reasonableness of Officer Hawkins' Drawing/Exhibiting. The UOFRB noted that Officer Hawkins drew his service pistol after Officer Lucero advised him that there was a firearm in the BMW and as Cooper began to reverse the BMW. Officer Hawkins immediately ordered Cooper to stop and put his hands up. Officer Hawkins, knowing that the firearm was in arm's reach of Cooper and Cooper's immediate attempt to flee and escalate the encounter, led to Hawkins reasonable belief that the situation could escalate to the point of deadly force.

The UOFRB conducted a thorough review and evaluation of the reasonableness of Officer Lucero's Drawing/Exhibiting. The UOFRB noted that Officer Lucero was the

cover officer and was in the process of clearing the passenger compartment of Cooper's vehicle with his flashlight when he observed the "butt" of a firearm in the driver's side door pocket. As Officer Lucero attempted to get Cooper to move his leg so he could get a better view and confirm his observation, Cooper began to become agitated and verbally argumentative. When Officer Lucero confirmed that there was firearm inside of the BMW, he communicated to Officer Hawkins that there was a firearm in the vehicle. Cooper began to immediately reverse his vehicle in an attempt to flee, as Officer Lucero drew his service pistol and ordered Cooper to stop. Officer Lucero, based on the fact he observed a firearm within arm's reach of Cooper, had a reasonable belief that the tactical situation could escalate to the point where deadly force may be justified, and Officer Lucero drew his service pistol.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Hawkins and Lucero, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Hawkins' and Lucero's Drawing/Exhibiting to be In Policy, No Further Action.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*

- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Hawkins - .45 caliber, three rounds in an easterly direction, in two volleys of fire, at an approximate increasing distance of three to twenty-one feet.

Volley One – Two rounds in an easterly direction.

According to Officer Hawkins, he grabbed Cooper's left wrist with his left hand and Officer Hawkins held his service pistol in his right hand, in a close contact position, near his right hip. Officer Hawkins observed and described a firearm sitting on the driver's seat. Officer Hawkins felt Cooper tense up and attempt to pull away. Officer Hawkins was unable to see the firearm on the driver's side seat that Officer Hawkins had previously observed. Officer Hawkins then observed the butt of the firearm in Cooper's right hand as Cooper turned his body to his left towards Officer Hawkins. Officer Hawkins believed Cooper was turning towards him to point the firearm at Officer Hawkins and shoot him. Officer Hawkins believed that if he did not react to

Cooper's movements and protect himself, Officer Hawkins would be shot. Officer Hawkins responded by discharging his service pistol and firing two rounds from three feet away.

Officer Hawkins recalled,

So, as he's stepping out of the car with his free -- he had a free arm exposed. I clasped his free arm, you know, thinking I can control him away from the car and as I'm pulling him out away from the car I can see a gun sitting on the seat.

And then he turned, you know, so I'm now controlling him because I got him away from the weapon, you know, for a period of time but he reaches down. And when reached down I look and the gun is gone and I see the butt of, you know, the back end of a pistol in his hand -- in his -- in his hand. It looked like, you know, like maybe a medium small size auto, you know, blue steel type. So, at that time I'm thinking, you know, this guy he's got a gun he's, you know. So, and, you know, my partner alerted me. I see it. I got him by the hand but he's -- he's got the gun in his hand now. So, you know, I kind of like I'm pulling and I'm pushing him away from me. He turned. And he turns -- he turns his body towards me. And at this time, I'm thinking he's going to turn and shoot at me so that's when I release him, you know, to get -- give me some space between him where I can get my -- my gun body level and then that's when I fired. I fired. I went to fire a double tap so I fired one round and then two rounds and he -- and he was spun. Like he spun between the door.

When he turned right and then he started turning again and I looked and I didn't see the gun on the seat. I saw the butt of the gun in his right hand. He turn -- he's trying to turn back to face me so he's turning to the left in an attempt to turn and point the gun at me.

That was an instance where I didn't, you know, because you know, I made the decision to separate and prepare to engage because he -- I had no doubt that he was turning his weapon to engage me. So that's why it's my feeling. I mean it -- it was -- it was -- there's -- there was no feeling more than there was a reaction. You know, the feeling, the feeling was if I didn't react to his movements to protect myself that I was going to be shot.

Volley Two – One round in an easterly direction.

According to Officer Hawkins, as Cooper fled east on foot down the walkway, Cooper maneuvered around the BMW's open vehicle door. Officer Hawkins stated he observed Cooper turning towards him again with the firearm in Cooper's right hand and believed Cooper was still coming up to shoot at Officer Hawkins. Officer Hawkins responded by firing a third round.

Officer Hawkins recalled,

But as he spun he turned towards me with the gun arm again and I do another round downrange in his direction at him. I'm doing the center mass thinking I'm shooting at him before he fires another round at me and then he takes off running.

And as he maneuvered around the open door he turned towards me again with the gun in his hand or which I believe -- I can't -- he turned towards me with the hand that I saw the gun in and believing he was still coming up to shoot again I fired another round.

The UOFRB conducted a lengthy, thorough review and analysis of the reasonableness of Officer Hawkins' use of lethal force and considered the details of the officers' encounter with Cooper and Mitchell, including the escalation of Cooper's actions as he attempted to flee once Officer Lucero notified Officer Hawkins about his observation of a firearm inside the BMW.

The UOFRB noted that Cooper was initially cooperative with the officers until Officer Lucero began to focus in on the driver's side door of the BMW. Cooper began to become verbally agitated and did not comply with Officer Lucero when asked to move his left leg. Cooper then immediately attempted to reverse the BMW and flee when Officer Lucero communicated his observation that there was a firearm in the vehicle. Officer Lucero's observation, in conjunction with Cooper reversing the vehicle, led to both officers drawing their service pistols. Cooper then stated, "I'm getting out of the car," to which Officer Lucero advised Cooper to remain inside of the BMW. Cooper continued to disregard Officer Lucero's directions.

The UOFRB noted that Officer Hawkins believed that he had observed a firearm on the driver's side seat and described the weapon. The UOFRB noted that there was no physical or video evidence that corroborated Officer Hawkins' observation. However, the UOFRB considered that Officer Lucero did not communicate the specific location of the firearm inside of the BMW to Officer Hawkins. The UOFRB noted that Officer Hawkins believed the firearm was under Cooper's left leg based on Officer Lucero's flashlight being pointed at Cooper's legs, as well as Officer Lucero asking Cooper to move his left leg in order to get a better view of the driver's side door pocket.

The UOFRB noted that Officer Hawkins believed the firearm was under Cooper's left leg when Cooper exited the vehicle. According to Officer Hawkins, he clasped Cooper's left arm, and as Cooper exited the BMW, Officer Hawkins observed a firearm on the seat. Officer Hawkins observed Cooper then reach down and at that point, Officer Hawkins noticed that the firearm was no longer on the seat. Officer Hawkins further stated he then observed the back end of a firearm in Cooper's right hand and believed that Cooper had armed himself as he exited the BMW. This happened simultaneously as Officer Hawkins gripped Cooper's left wrist with his left hand. As Cooper broke free from Officer Hawkins grasp, Cooper turned his body to

his left which, according to Officer Hawkins, led Officer Hawkins to believe Cooper was turning with a firearm held in Cooper's right hand with the intention of shooting him. In response to the deadly threat that Cooper presented, Officer Hawkins pushed Cooper forward in order to gain some distance and fired two rounds from a close contact position. Officer Hawkins stated that he observed that Cooper moved east around the open driver's door and once again turned his body to his left with a firearm in his right hand which Officer Hawkins believed indicated Cooper's intention to shoot Officer Hawkins. Officer Hawkins took a two-handed shooting grip and fired one round to address the deadly threat presented by Cooper's actions. Officer Hawkins stopped firing when he believed Cooper had moved too far away to be a threat to Officer Hawkins.

The UOFRB noted that Officer Lucero had stated the word "gun" multiple times during the incident. Officer Lucero stated that he observed a firearm in the car initially and stated, "Partner, we have a gun," as Cooper exited the vehicle. Based on Officer Hawkins belief that the firearm was under Cooper's left leg and that Officer Lucero stated, "We have a gun," as Cooper exited the vehicle, the UOFRB opined that these factors may have had a substantial impact on Officer Hawkins' belief that Cooper had armed himself with the firearm and intended to shoot him. The UOFRB noted that Officer Hawkins followed up with assessments between volleys and believed Cooper still possessed a firearm in his hand. In addition, Officer Hawkins was captured on BWV advising CD that Cooper was "armed" and fleeing southbound after the OIS had occurred. The UOFRB considered the rapidly unfolding tactical situation, Cooper's increased aggression toward Officer's Hawkins and Lucero throughout the traffic stop and investigation, and that Cooper lifted his left leg to purposefully conceal the firearm in the door or another firearm under his leg. The UOFRB also considered that Cooper's continued escalation and insistence to exit the BMW may have been an indication of Cooper's mindset.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Hawkins, would reasonably believe Cooper's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief find Officer Hawkins' Use of Lethal Force to be In Policy, No Further Action.

Officer Lucero – 9mm, 3 rounds, in a northeasterly direction from an increasing distance of 14 to 18 feet.

According to Officer Lucero, he observed Cooper reach for the firearm in the driver's side door pocket with his left hand as Cooper exited the BMW. Officer Lucero heard Officer Hawkins state, "Turn around" and then heard a single gunshot. Officer Lucero believed Cooper had armed himself with the firearm and shot his training officer (Officer Hawkins). According to Officer Lucero, as Cooper fled east on foot,

Officer Lucero stated Cooper was holding his left arm bent at the elbow with his forearm across his body parallel to the ground. As Cooper fled east on foot, Cooper made eye contact with Officer Lucero and as Cooper was running, Cooper was pointing the firearm. Cooper turned to his right facing Officer Lucero. Officer Lucero feared for his life and that Cooper was going to shoot Officer Lucero. Officer Lucero also feared for his partner's safety, believing Cooper had already shot his partner (Officer Hawkins). Officer Lucero further explained that he was "really scared and terrified." Officer Lucero thought Cooper was "going to kill him" and fired three rounds at Cooper.

Officer Lucero recalled,

When the driver stepped out of the vehicle it had seemed to me from my angle that the driver was opening the door at the same time. It looked like he was reaching for the gun. When he got out of the vehicle the driver then had a small what looked like to be a [sic] altercation with my partner. I believe he fired one round to my training officer and at that point I heard multiple shots fired. As the driver was running eastbound towards Broadway I believe on his left hand, on his left side the driver had a possible weapon and fearing for my life it seemed to me that he was -- he was point -- he was going to point it at me. He made the motion that he was, you know, he turned his body to the -- to the right slightly. At that point I fired three rounds towards the suspect that was -- that fled the scene.

At that point when I heard my partner say turn around I hear one shot go off. I believe it was the suspect that was -- had just shot at my officer -- my training officer. As he does that he takes off running eastbound towards Broadway. As he's -- as he's turning -- as he's running towards Broadway, I believe he has a second -- the gun in -- in his possession. As he does that, he slightly like turns around looking at me. I make eye contact and, you know, it seemed that he was pointing -- pointing the gun like as he's running, he turns to his right facing me and then when he does that identify what I believe was a gun and then I fired three shots.

It's -- I know it was a -- it was like a [sic] out -- like a figurine of a -- like a -- of a -- of a gun, sir, but it was -- it was dark and it happened so quick.

Fear for my partner's safety that believing that he already had shot my partner. I believed that he was going to go ahead and shoot me and kill both of us or.

I -- I was scared. I was really, really scared, sir...I thought he was going to kill me. I was -- I was terrified.

The UOFRB conducted a thorough review and analysis of the reasonableness of Officer Lucero's use of lethal force and considered the details of the officers' encounter with Cooper, including the escalation of Cooper's actions in his attempt to flee when Officer Lucero observed the firearm located in the driver's side door pocket.

The UOFRB noted that Cooper was initially cooperative with the officers until Officer Lucero began to focus in on the driver's side door of the BMW. Cooper began to become verbally agitated and did not comply with Officer Lucero when asked to move his left leg. Cooper then immediately attempted to reverse the BMW and flee when Officer Lucero communicated his observation that there was a firearm in the BMW. Officer Lucero's observation, in conjunction with Cooper reversing the vehicle, led to both officers drawing their service pistols. Cooper then stated, "I'm getting out of the car" and began to exit the BMW.

The UOFRB noted Officer Lucero directed Cooper to stay in the vehicle, however Cooper was insistent and intent on exiting the vehicle and was in the process of affirmatively doing so. When Cooper exited the vehicle, Officer Lucero stated that he observed Cooper reaching for the firearm and heard a momentary altercation between Officer Hawkins and Cooper, followed immediately by a gunshot. Officer Lucero believed Cooper had armed himself with the firearm and shot Officer Hawkins. The UOFRB considered Officer Lucero's fear for the safety of Officer Hawkins. Officer Lucero believed Cooper had armed himself with a firearm, and upon exiting the BMW, had shot Officer Hawkins at close range. As Cooper fled east on foot, Officer Lucero observed Cooper turn to his right and make "eye contact" with Officer Lucero. According to Officer Lucero, Cooper turned to his right and pointed his left hand at Officer Lucero, which Officer Lucero believed to be holding a firearm. Officer Lucero believed that Cooper's intention, after shooting Officer Hawkins, was to shoot and kill Officer Lucero. Officer Lucero fired three rounds in response to the deadly threat presented by Cooper. Officer Lucero stopped firing once Cooper was out of his line of sight and was no longer an imminent threat to Officer Lucero and his partner, Officer Hawkins. Under stressful and uncertain circumstances, Officer Lucero was forced to make a decision to use lethal force in what was a rapidly unfolding tactical situation.

Based on the totality of the circumstances, the compressed time frame to make a decision, and the perception and knowledge known to Officer Lucero at the time, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Lucero, would reasonably believe Cooper's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Lucero's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

BWV Timestamp – The FID investigation revealed that the timestamp of Officer Lucero's BWV was five minutes and 21 seconds ahead. The FID Video Technology Unit determined that the discrepancy was caused by Officer Lucero's BWV device, which had been loaned to Officer Lucero at the start of his watch. The loaned BWV

device had not been docked prior to Officer Lucero's Start of Watch which led to the BWV timestamp not synchronizing.

Captain E. Tingirides, Serial No. 31546, Commanding Officer, Southeast Patrol Division, addressed this issue by ensuring the kit room is staffed with regularly assigned personnel and the Area Training Coordinator will ensure standardized protocols are in place for loaned BWV cameras.

BWV Activation – According to the FID investigation, Officer Placek's BWV was activated late. Officer Placek stated that he was in the process of deactivating his BWV on his current unrelated call when Officer Hawkins' back-up request was broadcast. While Officer Placek and Officer Sanchez responded to the back-up request, Officer Placek did not realize he had deactivated his BWV. After Cooper was taken into custody, Officer Placek observed that his BWV was not on and immediately activated it. Additionally, Officer Placek's first video of the incident was interrupted due to Officer Placek's seatbelt accidentally swiping the switch at the top of the BWV device which shut off the BWV. Officer Placek observed that his BWV had been deactivated and immediately reactivated it again. Officer Placek was within the 90-day acclimation period for BWV procedures.

Profanity – The investigation revealed Officer Placek utilized profanity when he advised his partner, Officer Sanchez, that he had accidentally forgot to activate his BWV prior to them taking Cooper into custody. This issue was brought to the attention of Captain E. Tingirides, Serial No. 31546, who addressed this issue through informal counseling. The Commanding Officer of Operations - South Bureau and the Director of the Office of Operations concurred with this action. As such, the Chief deemed no further action was necessary.

Audio/Video Recordings

DICVS – Units assigned to Southeast and 77th Street Patrol Divisions were equipped with DICVS. Officers Hawkins and Lucero's DICVS was activated during the traffic stop and captured the traffic violation. There was no DICVS video footage of the OIS due to the angle of Officers Hawkins and Lucero's police vehicle, however, the audio of the OIS and the aftermath was captured. The DICVS from the other responding units were analyzed and found to have no evidentiary value to this investigation.

BWV – Officers assigned to Southeast and 77th Street Patrol Divisions were equipped with BWV. Officers Hawkins and Lucero's BWV recorded footage including the traffic stop and the OIS. Officer Tudor's BWV recorded footage of the arrest of Cooper. Officers Placek, Sanchez, and Martinez' BWVs recorded footage of the foot pursuit and arrest of Cooper.

Chief's Direction

The Chief directed the Commanding Officer of Professional Standards Bureau to conduct an assessment of their protocols in making notifications to Office of Special Operations – Detective Bureau and Metropolitan Division when responding to CUOF investigations where an article search may be warranted. It is important that resources at the Department's disposal are fully utilized to gather pertinent evidence during CUOF investigations for transparency, as well as investigative integrity.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-escalation

- The OIG concurs with the Chief's analysis.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.
- In addition to the tactical issues identified in the Chief's report, the OIG noted that Officer Hawkins was not carrying his TASER on his person, as required by applicable Department training. Specifically, training establishes the following requirement: "*The TASER shall be carried in a Department approved holster on the support side of the duty belt in either a cross draw or support side draw position.*"²⁶

Officer Hawkins's TASER was left in his police vehicle during this incident, representing a substantial deviation from Department training. The investigation did not establish any justification for Officer Hawkins's failure to carry his TASER in accordance with Department standards.

²⁶ Use of Force Tactics Directive 4.5, July 2018, Electronic Control Device TASER.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.
- In its analysis of Officer Hawkins's decision to use lethal force during this incident, the OIG considered the totality of the circumstances facing him at the time of the OIS, including the following factors:
 - Officer Lucero informed Officer Hawkins that there was a gun in the car, but he did not specifically indicate where the gun was located;
 - Officer Lucero repeatedly told Cooper to move his leg, supporting an objectively reasonable belief on the part of Officer Hawkins that Cooper was concealing the gun with his leg;
 - When Cooper got out of the car, Officer Hawkins did not see a gun on the driver's seat of the car, supporting a reasonable belief (in concert with the above-noted factors) that Cooper was in possession of the gun at that time; furthermore, it was at this point during the incident that Officer Lucero again verbalized his observation of a gun to Officer Hawkins without specifically indicating where it was located; and,
 - Officer Hawkins was in a confined space between the car and a wall, resulting in a close-quarters and rapidly-unfolding confrontation with Cooper when he (Cooper) exited the vehicle.

Given these factors, and despite the lack of physical or video evidence in support of the assertion that Cooper was, in fact, armed at the time he exited the vehicle, the available evidence supports the conclusion that Officer Hawkins's belief that Cooper presented an imminent threat of death or serious bodily injury at the time of the OIS was objectively reasonable.

- In its analysis of Officer Lucero's decision to use lethal force, the OIG considered that he had minimal field experience and was faced with a rapidly-unfolding and uncertain incident involving a non-compliant suspect whom he knew had access to a handgun. When Officer Lucero heard gunfire upon Cooper exiting the vehicle and becoming involved in a confrontation with Officer Hawkins, he (Officer Lucero) could not visually ascertain the source of the gunfire. Under these circumstances, Officer Lucero's belief that Cooper had opened fire was not unreasonable. Moreover, although physical and video evidence did not establish that Cooper was holding a gun when he fled, Officer Lucero's reported observation of what he described as the

"figurine" of a gun in Cooper's hand was made within a compressed time frame and in a low-light environment.

Given the totality of the circumstances, the available evidence supports the conclusion that Officer Lucero's belief that Cooper presented an imminent threat of death or serious bodily injury at the time of the OIS was objectively reasonable.



MARK P. SMITH
Inspector General